

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: THRESHOLD FOR ELECTRIC TRANSMISSION LINE FRANCHISES	DOCKET NO. RMU-02-5
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ORDER ADOPTING RULES

(Issued June 18, 2002)

Pursuant to the authority of Iowa Code §§ 17A.4 and 478.1 and 2002 Iowa Acts, Senate File 2086, the Utilities Board adopts the rules attached hereto and incorporated by reference. These rules amend 199 IAC chapter 11.1(5), 11.3(2), and 11.4 to make them consistent with legislative changes adopted in Senate File 2086. The reasons for adopting these rules are set forth in the attached notice of intended action.

IT IS THEREFORE ORDERED:

1. A rule making proceeding, identified as Docket No. RMU-02-5, is adopted.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 18th day of June, 2002.

UTILITIES DIVISION [199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4 and 478.1 and 2002 Iowa Acts, Senate File 2086, the Utilities Board (Board) gives notice that on June 18, 2002, the Board issued an order in Docket No. RMU-02-5, In re: Threshold for Electric Transmission Line Franchises, "Order Adopting Rules." The Board proposed to amend 199 IAC 11.1(5), 11.3(2), and 11.4(478) to reflect changes to Iowa Code chapter 478 contained in 2002 Iowa Acts, Senate File 2086. This legislation increased the threshold requirement before an electric line franchise petition is required from 34.5 kilovolts or more to 69 kilovolts or more. 2002 Iowa Acts, Senate File 2086, became effective April 1, 2002.

On April 26, 2002, the Board issued an order in Docket No. RMU-02-5 to consider the amendments. Notice of Intended Action for the proposed rule making was published in IAB Vol. XXIV, No. 23 (5/15/02), p. 1849, as ARC 1615B. The Consumer Advocate Division of the Department of Justice and MidAmerican Energy Company filed written comments. Both commenters supported the proposed amendments. No person requested an oral presentation.

No changes to the proposed rules have been made. There is no specific waiver provision in the adopted rules because the threshold for electric franchises is statutory and cannot be waived.

These amendments are intended to implement Iowa Code sections 478.1 and 2002 Iowa Acts, Senate File 2086, and will become effective August 14, 2002.

The following amendments are adopted.

Item 1. Amend subrule **11.1(5)** as follows:

11.1(5) *Franchise—when required.* An electric franchise shall be required for the construction, operation, and maintenance of any electric line which is capable of operating at ~~34,500 volts~~ 69 kilovolts or more outside of cities.

Item 2. Amend subrule **11.3(2)** as follows:

11.3(2) *When filing is required.*

a. A petition for franchise shall be filed with the board for the construction of any electric line outside of a city which is capable of operating at a nominal voltage of ~~34,500 volts~~ 69 kilovolts or more.

b. A petition for extension of franchise may be filed at any time after the issuance of the franchise, but must be filed prior to its expiration. The extension of more than one franchise may be requested in a single petition, including for all franchised lines in a county as provided for in Iowa Code section 478.13.

However, an extension of franchise is unnecessary for an electric line which is capable of operating at ~~34,500 volts~~ 69 kilovolts or more, when the line has been permanently retired from operation at ~~34,500 volts~~ 69 kilovolts or more, and the board has been notified of the retirement. The line may remain in service at a lesser voltage. The notice shall include the franchise number and issue date, the docket number, and, if the entire franchised line is not retired, a map showing the location of the portion retired.

c. A petition for amendment to franchise shall be filed with the board for approval prior to:

(1) Increasing the operating voltage of any electric line, or the level to which it is capable of operating, to a voltage greater than that specified in the existing franchise.

(2) Construction of an additional circuit which is capable of operating at a nominal voltage of ~~34,500 volts~~ 69 kilovolts or more on a previously franchised line, where an additional circuit at such voltage is not authorized by the existing franchise.

(3) Relocation of a franchised electric line to a route different from that authorized by an existing franchise. For the purpose of this subrule, relocation means changing the route of an existing electric line in a manner which requires that new or additional interests in property be obtained, or that new or additional authorization be obtained from highway or railroad authorities, for a total distance of one mile or more, except that an amendment is not required for relocations made pursuant to Iowa Code section 319.5. Petitions for amendment to franchise may be filed for relocations of less than one mile if the right of eminent domain is sought.

Item 3. Amend rule 199—**11.4(478)**, introductory paragraph, as follows:

199—11.4(478) Informational meetings. Not less than 30 days or more than two years prior to filing a petition or related petitions requesting franchise for a new transmission line which is capable of operating at ~~34.5~~ 69 kilovolts (or for which line, easement will be sought for ~~34.5~~ 69 kV) or more, with one or more miles of the total proposed route across privately owned real estate, the prospective petitioner(s) shall

hold informational meetings in each county in which real property or real property rights will be affected. Informational meetings shall comply with the following:

June 18, 2002

/s/ Diane Munns

Diane Munns
Chairman